



FH  
[REDACTED]

**STATE OF WISCONSIN**  
**Division of Hearings and Appeals**

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

CCB/167164

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**PRELIMINARY RECITALS**

Pursuant to a petition filed July 09, 2015, under Wis. Admin. Code §HA 3.03(4), to review a decision by the Fond Du Lac County Department of Social Services in regard to Child Care, a hearing was held on October 06, 2015, at Fond Du Lac, Wisconsin.

The issue for determination is whether Petitioner's child care was correctly denied because of income in excess of applicable income limits.

There appeared at that time and place the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]

Respondent:

Department of Children and Families  
201 East Washington Avenue, Room G200  
Madison, Wisconsin 53703

By: Deborah Bohlman

Fond Du Lac County Department of Social Services  
50 N Portland St  
Fond Du Lac, WI 54935

**ADMINISTRATIVE LAW JUDGE:**

David D. Fleming  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Fond Du Lac County.
2. Petitioner filed this appeal to contest a denial of a June 2015 application for child care.
3. The reason for this denial was that Petitioner's income exceeded 185% of the Federal Poverty Level (FPL).

4. Petitioner is employed. She earns a salary of \$30,000.00. She is paid bi-weekly. Thus she earns \$2780.77 per month (\$30,000/26 pay periods x 2.15 wks per month)
5. Petitioner's household size is 2.

### **DISCUSSION**

There is an income test for child care eligibility, both at application and for ongoing eligibility:

#### 1.5.1.1

##### Maximum Gross Income for Initial Eligibility

The gross income limit for new applicants and Assistance Groups that have closed for more than one calendar month is 185% of the Federal Poverty Level (FPL).

*Wisconsin Shares Child Care Assistance Manual (Manual), §1.5.1.1.*

185% of the Federal Poverty Level (FPL) for a group of 2 is \$2456.00. *See Operations Memo 15-08, issued March 3, 2015 and effective February 1, 2015.*

The child care program *Manual* does give detailed guidance as to how to compute income:

#### **1.5.5 Monthly Income Calculations**

Unless otherwise stated in sections 1.5.5.1., 1.5.5.2., 1.5.5.3., or 1.5.5.4., monthly income is budgeted prospectively by making the best estimate of income based upon the information available. When converting income to monthly income:

- Weekly income is multiplied by 4.3 to get a monthly income amount.
- Bi-weekly income is multiplied by 2.15 to get a monthly income amount.
  - Paid every other week (for example every other Thursday with 26 paychecks a year).
- Semi-monthly income is multiplied by 2 to get the monthly income amount.
  - Paid twice a month (for example on the 1st and 15th of the month with 24 paychecks a year).

*Manual, §1.5.5.*

Here Petitioner income is over the 185% of the FPL threshold and is not financially eligible for child care. While her income is not much over the limit, the limits are not expandable.

### **CONCLUSIONS OF LAW**

That the agency correctly denied Petitioner's application for child care because her household income was in excess of program income limits.

**THEREFORE, it is**

**ORDERED**

That this appeal is dismissed

### **REQUEST FOR A REHEARING**

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision.** Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

### **APPEAL TO COURT**

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Children and Families, 201 East Washington Avenue, Room G200, Madison, Wisconsin 53703, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Milwaukee,  
Wisconsin, this 24th day of November, 2015

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\sDavid D. Fleming  
Administrative Law Judge  
Division of Hearings and Appeals



**State of Wisconsin\DIVISION OF HEARINGS AND APPEALS**

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The preceding decision was sent to the following parties on November 24, 2015.

Fond Du Lac County Department of Social Services  
Child Care Benefits